IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.729 OF 2007

1. Laxman Vitthal Pawaskar
2. Vikas Vaman Pawaskar
3. Dilip Mahadeo Adekar
4. Shyam Tukaram Amberkar
5. Prashant Shankar Pawaskar
all r/i Bhandarwada, Varawade
Taluka and Dist. Ratnagiri
At present in Ratnagiri
Central Prison ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.Rakesh Bhatkar Advocate for Applicants
Mr.K.V.Saste,A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail in C.R.No. 2 of 2007 of Jaigad Police Station, Ratnagiri. The said case is mainly under Section 304 of IPC. It is the prosecution case that applicants along with others assaulted Adesh Dorlekar by fist and kick blows and due to the said assault, Adesh Dorlekar expired.

3. The learned counsel for the applicants has

submitted that besides the present case, applicants have clean record. This statement is not controverted by the prosecution. It is an admitted fact that applicants are permanent residents of Warwade and it is not the case of the prosecution that applicants are likely to abscond. Moreover, Mr.Bhatkar submitted that Adesh has not expired on account of assault by the accused persons but he has expired after 22 days on account of infection in the kidney. Even assuming that Adesh did not die due to kidney infection, the fact remains that he died 22 days after the assault. Looking to all these facts, I am inclined to grant bail to the applicants.

4. Each of the applicants to be released on bail in the sum of Rs.20,000/- each (Rs.Twenty Thousand only) with one or two sureties to make up the said amount. The applicants shall report to Jaigad Police Station Ratnagiri on every alternate day for a period of two months and thereafter once in a fortnight till the conclusion of the trial.

5. Application is disposed of.

[V.K.Tahilramani, J.]